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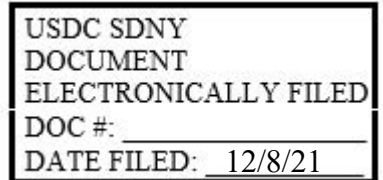
*Please reply to New Jersey*

# MEMO ENDORSED

December 7, 2021

Via Electronic Filing

Honorable Barbara C. Moses, U.S.M.J.  
United States District Court – Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312



Re: Clinton Capital Corporation v. 257 West 21<sup>st</sup> Street Associates, Inc., et al.  
Case No.: 1:16-mc-00353-AK-BCM  
Civil Action No.: 95.1330  
Our File No.: 30838

Dear Judge Moses:

This firm currently represents plaintiff in this matter. For the reasons set forth below, we respectfully request that the Court stay these proceedings, pending the resolution of this firm's previously filed motion pursuant to Local Civil Rule 1.4 to withdraw as plaintiff's counsel and to impose a charging lien.

To ensure that the firm's withdrawal does not harm plaintiff, it is requested that the Court stay this matter, including defendant's, Christopher McNeur's, improper "cross-motion" to dismiss that was filed on December 3, 2021, until following the determination of the motion to withdraw and the entry of new counsel.

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We further request that the Court permit us to submit our reply to plaintiff's response to our motion to be relieved as counsel *ex parte* via email or hand delivery. Pursuant to a prior text order, plaintiff's response is due on December 10, and our reply on December 17.

We thank the Court for its courtesies in considering the foregoing.

Respectfully,

s/ Frank E. Borowsky, Jr.  
FRANK E. BOROWSKY, JR.  
Member of the Firm

Feb/lmb

cc: David I. Lieser, Esq. (via ecf)  
Charles J. Boitano (via email: harveyscottltd@aol.com)

Application **GRANTED IN PART AND DENIED IN PART**. Plaintiff Clinton's opposition to McNeur's motion to dismiss (Dkt. No. 100), which is within the scope of my reference (Dkt. No. 76), will be due 30 days after the Court has ruled on B&B's motion to withdraw as counsel for plaintiff (Dkt. No. 96). If plaintiff files a response to the withdrawal motion, and if B&B wishes to rely on sensitive or confidential information in reply thereto, the disclosure of which could prejudice Clinton, it may file its reply under electronic seal at the "ex parte" level." It must simultaneously file a redacted copy of its reply on the public docket, leaving visible any portions which do not meet the standard for filing under seal.

**SO ORDERED.**



**Barbara Moses**  
**United States Magistrate Judge**  
**December 8, 2021**